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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,921	11/19/2001	Toni Paila	4208-4061	9368

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EXAMINER	
MEHRPOUR, NAGHMEH	
ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/988,921	PAILA, TONI	
	Examiner	Art Unit	
	Naghmeh Mehrpour	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC ∋ 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-4,6-8, 10-12, 14, 38-46,** are rejected under 35 U.S.C. 102(e) as being unpatentable over Leung et al. (US Publication 2002/0142757 A1).

Regarding claim 1, Leung teaches a method of providing service announcement information, comprising:

transmitting at least one of a digital audio or video broadcast a service on a first channel; and

transmitting pointer data on the first channel, wherein the pointer data identifies a second channel on which a service announcement identifying the service transmitted on the first channel is located (0042, 0058, 0059).

Regarding claim 2, Leung teaches a method of claim 1, wherein the first channel and the second channel are frequencies (0059).

Regarding claim 3, Leung teaches a method of claim 2, wherein the pointer data includes the frequency of the second channel (0059).

Regarding claim 4, Leung teaches a method of claim 2, wherein the service announcement further identifies the frequency of the channel corresponding to the service (0059).

Regarding claim 6, Leung teaches a method of providing service announcement information, comprising:
transmitting at least one of a digital audio or video broadcast a service on each of a plurality of channels; and
transmitting pointer data on each of the plurality of channels, wherein the pointer data identifies a channel containing a plurality of service announcements identifying the services transmitted on each of the plurality of channels (0042, 0058, 0059).

Regarding claim 7, Leung teaches a method of claim 6, wherein each of the plurality of channels includes the channel containing the service announcements (0058).

Regarding claim 8, Leung teaches a method of claim 6, wherein the channel identified by the pointer data is a frequency (0059).

Regarding claim 10, Leung teaches a method of claim 6, wherein the pointer data includes information sufficient to permit a mobile terminal to access the service announcements (0058).

Regarding claim 11, Leung teaches a method of claim 10, wherein the information includes at least one of the following: a frequency, a PID, a MAC, a bandwidth, an fft, a constellation, a code rate, a guard interval, a hierarchy and a hierarchical priority (0059, 0109).

Regarding claim 12, Leung teaches a method of providing service announcement information, comprising:
transmitting at least one of a digital audio or video broadcast a service using a first protocol together with first pointer data on each of a first plurality of channels, the first pointer data identifying a first channel containing a plurality of service announcements identifying the services transmitted on each of the first plurality of channels; and transmitting at least one of a digital audio or video broadcast a service using a second protocol together with second pointer data on each of a second plurality of channels, the second pointer data identifying a second channel containing a plurality of service announcements identifying the services transmitted on each of the second plurality of channels (0042, 0058, 0059).

Regarding claim 14, Leung teaches a method of providing a service announcement, comprising:

transmitting at least one of a digital audio or video broadcast a service using a first protocol on each of a first plurality of channels;

transmitting pointer data on each of the first plurality of channels;

transmitting at least one of a digital audio or video broadcast a service using a second protocol on each of a second plurality of channels; and

transmitting pointer data on each of the second plurality of channels, wherein the pointer data identifies a channel containing a plurality of service announcements identifying the services transmitted on the first plurality of channels and on the second plurality of channels (0058, 0042, 0059).

Regarding claim 38, Leung teaches a mobile terminal having at least two receivers enabling the mobile terminal to receive service announcement information of different protocols, comprising:

means for receiving at least one of a digital audio or video broadcast a service on a first channel; and means for receiving pointer data on the first channel, wherein the pointer data identifies a second channel on which a service announcement identifying the service received on the first channel is located (0058, 0059, 00107).

Regarding claim 39, Leung teaches a mobile terminal of claim 38, wherein the pointer data includes information that permits the mobile terminal to access the service announcement (0074, 0075, 0078).

Regarding claim 40, Leung teaches a mobile terminal of claim 39, wherein the information includes at least one of the following: a frequency, a PID, a MAC, a bandwidth, an fft, a constellation, a code rate, a guard interval, a hierarchy and a hierarchical priority (0109).

Regarding claim 41, Leung teaches a mobile terminal of claim 40, wherein the service announcement is linked to the frequency (0073).

Regarding claim 42, Leung teaches a mobile terminal of claim 40, wherein the information tunes the mobile terminal to the second channel (0059, 0073).

Regarding claim 43, Leung teaches an article of manufacture, comprising: a computer readable medium including instructions for: transmitting a service on a first channel; and transmitting pointer data on the first channel, wherein the pointer data identifies a second channel on which a service announcement identifying the service transmitted on the first channel is located (0095).

Regarding claim 44, Leung teaches an article of manufacture, comprising: a computer readable medium including instructions for: transmitting at least one of a digital audio or video broadcast a service on each of a plurality of channels; and transmitting pointer data on each of the plurality of channels, wherein the pointer data identifies a channel containing a plurality of service announcements identifying the services transmitted on each of the plurality of channels (0095).

Regarding claim 45, Leung teaches an article of manufacture, comprising:
a computer readable medium including instructions for: transmitting at least one of a digital audio or video broadcast a service using a first protocol together with first pointer data on each of a first plurality of channels, the first pointer data identifying a first channel containing a plurality of service announcements identifying the services transmitted on each of the first plurality of channels; and
transmitting at least one of a digital audio or video broadcast a service using a second protocol together with second pointer data on each of a second plurality of channels, the second pointer data identifying a second channel containing a plurality of service announcements identifying the services transmitted on each of the second plurality of channels (0042, 0058, 0059).

Regarding claim 46, Leung teaches an article of manufacture, comprising: a computer readable medium including instructions for:

transmitting at least one of a digital audio or video broadcast a service using a first protocol on each of a first plurality of channels; transmitting at least one of a digital audio or video broadcast pointer data on each of the first plurality of channels; transmitting a service using a second protocol on each of a second plurality of channels; and

transmitting pointer data on each of the second plurality of channels, wherein the pointer data identifies a channel containing a plurality of service announcements identifying the services transmitted on the first plurality of channels and on the second plurality of channels (0042, 0058, 0059).

3. **Claims 5, 9, 13,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (US 2002/0142757 A1) in view of Examiner's official notice.

Regarding claims 5, 9, 13, Leung fails to teach a method of claim 1, wherein the transmitting steps are performed in accordance with at least one of the following protocols: DVB, DAB,GSM, GPRS, UMTS, WLAN, and Bluetooth. However Examiner takes official notice that DVB-T is well known and standard type of broadcast. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use DVB-T as a multuicast format to insure standard operation and system interoperability.

4. **Claim 15-37, 47-48,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (US 2003/003909 A1) in view of MacCormick et al. (US Patent 6,519,455).

Regarding claims 15, 27 Leung teaches a method of accessing a communication channel from a plurality of communication channels within a network with a mobile terminal capable of receiving at least one signal from at least one of the communications channels within the network, the method comprising: identifying at least one communication channel that is transmitting signals receivable by the mobile terminal accessing a first communication channel that is transmitting at least one signal receivable by the mobile terminal receiving first signals from the first communications channel (0094, 0095). Leung fails to teach searching in the first signals for redirection information; selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information, if the redirection information is received within a first period of time; and selecting and accessing a third communication channel if the redirection information is not received within the first period of time. However McCormick teaches receiving searching in the first signals for redirection information; selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information (col 3 lines 21-65, col 4 lines 32-48); if the redirection information is received within a first period of time; and selecting and accessing a third communication channel if the redirection information is not received within the first

period of time (col 9 lines 44-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to handoff based on user input to give a user more control in system selection.

Regarding claims 16, 28, Leung teaches a method of claim 15, wherein the at least one service announcement for at least one communication channel transmits over the second communication channel (0058)

Regarding claims 17, 29, Leung teaches a method of claim 16, wherein at least one service is transmits over the second communication channel further transmits at least one service (0058).

Regarding claim 18, Leung teaches a method of claim 15, wherein the mobile terminal selects the second communication channel if the redirection information is received within the first period of time, and the mobile terminal is in a selectable mode (0056, 0060).

Regarding claim 19, Leung teaches a method of claim 15, wherein the mobile terminal selects the second communication channel if the redirection information is received within the first period of time, wherein the first period of time directly follows initializing the mobile terminal (0082, 0114).

Regarding claim 20, Leung teaches a method of claim 15, wherein the first period of time is determined by a number of the plurality of communication channels (0056, 0060).

Regarding claim 21, Leung teaches a method of claim 15, wherein the third communication channel is selected randomly from the plurality of communication channels (0108, 0080).

Regarding claim 22, Leung teaches a method of claim 15, wherein the redirection information is transmitted at a first interval on at least one communication channel (0056).

Regarding claim 23, Leung teaches a method of claim 22, wherein the first interval on at least one communication channel does not equal a second interval on at least one other communication channel from the plurality of communication channels, wherein the redirection information is transmitted at the second interval (0056, 0058, 0059).

Regarding claim 24, Leung teaches a method of claim 15, wherein at least one communication channel is a specific frequency (0059).

Regarding claim 25, Leung teaches a method of claim 15, wherein the first communication channel is the second communication channel (0058).

Regarding claim 26, Leung teaches a method of claim 15, wherein at least one service transmits over the first communication channel (0058).

Regarding claim 30, Leung inherently teaches a method of claim 27, wherein the mobile terminal selects the second communication frequency if the redirection information is received within the first period of time, and the mobile terminal is in a selectable mode (0077, 0095).

Regarding claim 31, Leung inherently teaches a method of claim 27, wherein the mobile terminal selects the second communication frequency if the redirection information is received within the first period of time, wherein the first period of time directly follows initializing the mobile terminal (0077, 0095).

Regarding claim 32, Leung teaches a method of claim 27, wherein the first period of time is determined by a number of the plurality of communication channels (0058, 0067),

Regarding claim 33, Leung teaches a method of claim 27, wherein the third communication frequency is selected randomly from the plurality of communication frequencies (0080, 0108).

Regarding claim 34, a Leung teaches method of claim 27, wherein the redirection information is transmitted at a first interval on at least one communication frequency (0095).

Regarding claim 35, Leung fails teach a method of claim 34, wherein the first interval on at least one communication frequency does not equal a second interval on at least one other communication frequency from the plurality of communication frequency, wherein the redirection information is transmitted at the second interval. However, McCormick teaches a method of claim 34, wherein the first interval on at least one communication frequency does not equal a second interval on at least one other communication frequency from the plurality of communication frequency, wherein the redirection information is transmitted at the second interval (col 9 lines 44-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to handoff based on user input to give a user more control in system selection.

Regarding claim 36, Leung teaches a method of claim 27, wherein the first communication frequency is the second communication frequency (0057, 0058).

Regarding claim 37, Leung teaches a method of claim 27, wherein at least one service transmits over the first communication channel (0059).

Regarding claims 47-48, Leung teaches an article of manufacture, comprising: a computer readable medium including instructions for: identifying at least one communication channel that is transmitting signals receivable by the mobile terminal; accessing a first communication channel that is transmitting at least one signal receivable by the mobile terminal;
receiving first signals from the first communications channel; searching in the first signals for redirection information;
selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information, if the redirection information is received within a first period of time; and selecting and accessing a third communication channel if the redirection information is not received within the first period of time (0094, 0095). Leung fails to teach searching in the first signals for redirection information; selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information, if the redirection information is received within a first period of time; and selecting and accessing a third communication channel if the redirection information is not received within the first period of time. However McCormick teaches receiving searching in the first signals for redirection information; selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information (col 3 lines 21-65, col 4 lines 32-48); if the redirection information is received within a first period of time; and selecting and accessing a third communication channel if the redirection information is not received within the first

period of time (col 9 lines 44-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to handoff based on user input to give a user more control in system selection.

5. **Claim 49,** is rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (US 2003/003909 A1) in view of McCormick (US Patent Number 6,519,455) in further view of Hendricks et al. (US Patent 6,463,585 B1).

Regarding **claim 49**, Leung modified by McCormick fails to teach a method wherein a user of the mobile terminal specifies the first period of time. However Hendrickes teaches a method wherein the first period of time is specified by a user (col 3 lines 60-67, col 4 lines 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hendrickes with Leung modified by McCormick, in order to enable the users to select any of the existing channels for the purpose of obtaining identified service provider.

6. **Claim 50,** is rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (US 2003/003909 A1) in view of McCormick (US Patent Number 6,519,455).

Regarding **claim 50,** Leung modified by Abecassis fails to teach a method wherein the first time period is established in the mobile terminal at a time of manufacture. However Dufort teaches a communication system wherein the first time period is established in

the mobile terminal at a time of manufacture (page 5 section 0061). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Dufort with Leung modified by McCormick, in order to provide easy and quick and fully customizable responses from the called party without the need for using expensive software.

Response to Arguments

7. Applicant's arguments filed 4/21/06 have been fully considered but they are not persuasive.

In response to the applicant's argument that "*there is no teaching on Leung on a first channel both on broadcast service and pointer data that identified a second channel that constraints a service schedule that identified the service being transmitted on the broadcast channel, and "overhead message" do not correspond to the claimed "pointer data"*.

The Examiner asserts that Leung teaches the overhead information which expressly includes neighbor cell information for soft handoff including PN offset information for a neighbor cell, which would read as a link-level access parameter. Further is repeatedly indicated that a session identifier is provided for a particular broadcast session, not for one particular base station or cell. Therefore, application's argument are not persuasive, as they hinge on this supposed lack of this teaching. Looking specifically the broadcast channel is on;ly requires that prior to handoff a base station broadcasts multicast session information for a first cell and a second cell, and this is clearly described in the cited portion of paragraph 0087-0088).

Applicant's makes the assertion that the only description of overhead information is contained in paragraph 0083-0084, however, this is inaccurate as it is only part of the text describing the overhead which as described above discloses information for multiple cells as described in paragraph 0087-0089, wherein at least a neighbor pilot PN sequence offset index and a neighbor pilot forward broadcast supplemental Channel Code Channel index and method using UMTS, as UMTS is wll known to be a developing standard that will support multimedia applications where multicast will be used.

In response to the applicant's argument that McCormick fails to teach In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Leung teaches a method of accessing a communication channel from a plurality of communication channels within a network with a mobile terminal capable of receiving at least one signal from at least one of the communications channels within the network, the method comprising: identifying at least one communication channel that is transmitting signals receivable by the mobile terminal accessing a first communication channel that is transmitting at

least one signal receivable by the mobile terminal receiving first signals from the first communications channel (0094, 0095). Leung fails to teach searching in the first signals for redirection information; selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information, if the redirection information is received within a first period of time; and selecting and accessing a third communication channel if the redirection information is not received within the first period of time. However McCormick teaches receiving searching in the first signals for redirection information; selecting and accessing a second communication channel from the plurality of communication channels based on the redirection information (col 3 lines 21-65, col 4 lines 32-48); if the redirection information is received within a first period of time; and selecting and accessing a third communication channel if the redirection information is not received within the first period of time (col 9 lines 44-60). Therefore, by combing the Lueng and McCormick providing handoff based on user input to give a user more control in system selection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

December 11, 2006

